

# SENATE BILL No. 192

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-3.

**Synopsis:** Communication and visitation with a protected person. Provides that, unless specifically authorized by a court order, a guardian may not restrict a protected person's right to communication, visitation, or interaction with other individuals. Provides that, if a protected person is unable to express consent to communication, visitation, or interaction with another individual, then the consent of the protected person is presumed based on the protected person's prior relationship history with the individual. Provides that a court may not deny an individual the right to communicate, visit, or interact with a protected person unless certain conditions are met. Requires a guardian to communicate certain information to a protected person's close relatives and other designated individuals.

**Effective:** July 1, 2016.

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January 6, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 192

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 29-3-1-7.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]: **Sec. 7.3. "Immediate family" means a spouse, child,**
- 4 **sibling, parent, grandparent, or grandchild. The term includes**
- 5 **stepparents, stepchildren, stepsiblings, and adoptive relationships.**
- 6 SECTION 2. IC 29-3-8-10 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2016]: **Sec. 10. (a) Unless specifically authorized by a court**
- 9 **order, a guardian may not restrict a protected person's right to**
- 10 **communication, visitation, or interaction with other individuals,**
- 11 **including the right to receive visitors, telephone calls, and personal**
- 12 **mail.**
- 13 **(b) If a protected person is unable to express consent to**
- 14 **communication, visitation, or interaction with another individual**
- 15 **due to a physical or mental condition, the consent of the protected**
- 16 **person is presumed based on the protected person's prior**
- 17 **relationship history with the individual.**



1       (c) Except in a situation in which the court finds that an  
2 individual poses a threat to a protected person, the court must have  
3 issued an order requiring supervised communication, visitation, or  
4 interaction between the protected person and the individual before  
5 the court may issue an order that would deny an individual the  
6 right to communicate, visit, or interact with a protected person.

7       (d) A guardian shall promptly notify the protected person's  
8 immediate family and any individual that the protected person has  
9 designated to be notified and provided contact information for, if  
10 the guardian knows or has information concerning any of the  
11 following circumstances:

12       (1) The protected person's residence has changed.

13       (2) The protected person is staying at a location other than the  
14 protected person's residence.

15       (3) The protected person is admitted to a hospital or health  
16 care facility for:

17       (A) emergency care in response to a life threatening injury  
18 or medical condition; or

19       (B) acute care.

20       (4) The protected person dies.

21 If a protected person has died, the guardian shall notify the  
22 relatives and designated individuals of the protected person's death  
23 in person or by telephone.

